

1 Muriel B. Kaplan, Esq. (SBN 124607)
2 Michele R. Stafford, Esq. (SBN 172509)
2 SALTZMAN & JOHNSON LAW CORPORATION
120 Howard Street, Suite 520
3 San Francisco, CA 94105
(415) 882-7900
4 (415) 882-9287 – Facsimile
mkaplan@sjlawcorp.com
5 mstafford@sjlawcorp.com

6 Attorneys for Plaintiffs
7 Bay Area Painters and Tapers
Trust Fund, et al.

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10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 BAY AREA PAINTERS AND TAPERS
13 PENSION FUND, et al.,

14 Plaintiff,

15 v.

16 CRYSTAL NICOLE THOMAS, individually
17 and dba CALIFORNIA PROFESSIONAL
PAINTING,

18 Defendants,

Case No.: C07-3344 PJH

**REQUEST FOR ISSUANCE OF
WRIT OF EXECUTION AND
DECLARATION OF MICHELE R.
STAFFORD IN SUPPORT THEREOF**

19 TO THE CLERK OF THE COURT:

20 I, Michele R. Stafford, declare under penalty of perjury that:

- 21 1. I am the attorney for the plaintiffs in the above-entitled action.
- 22 2. On January 25, 2008, within ten years past, an Amended Judgment Pursuant to
23 Stipulation (hereinafter “Amended Judgment”) \$18,727.20. A true and accurate copy of that
24 Amended Judgment is attached hereto as *Exhibit A*.
- 25 3. On January 24, 2008, defendants made a payment of \$1,500.00, of which \$1,392.86
26 was principal. That payment represented partial payment of defendant’s January 2008 Stipulated
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1 Payment of \$1,763.00 under paragraph 3 of the Amended Judgment.

2 4. On January 24, 2008, at the time of hand delivering the above-referenced partial
3 payment of \$1,500.00, Roger Breedy, as representative of California Professional Painting, stated
4 orally and in writing that the balance would be paid "in one week." Please note that Mr. Breedy's
5 statement is mistakenly dated "January 25, 2008." A true and accurate copy of Mr. Breedy's
6 written statement is attached hereto as *Exhibit B*.
7

8 5. Defendants failed to cure their default and, on February 7, 2008, plaintiffs gave
9 defendants written notice of default. A true and accurate copy of plaintiffs' notice is attached
10 hereto as *Exhibit C*. Defendants did not respond and remain in default of the Amended Judgment.

11 6. Pursuant to paragraph 6(b) of the Amended Judgment, plaintiffs hereby request that
12 the Court issue a Writ of Execution in favor of plaintiffs and against defendants.

14 7. On January 24, 2008, the principal balance remaining due on the Amended
15 Judgment was \$14,568.34. Twenty-one (21) days have elapsed from January 24, 2008 to
16 February 15, 2008. Interest at the rate of 7% per annum, in the amount of \$58.67, has accrued on
17 the Judgment as of February 15, 2008.

18 8. Attorneys fees through December 21, 2007 are included in the Amended Judgment.
19 Additional attorneys fees in the amount of \$3,188.00 were incurred from December 22, 2007
20 through February 15, 2008 in the preparation of the Amended Judgment Pursuant to Stipulation,
21 plaintiffs attempts to enforce compliance with the Amended Judgment, and in the preparation of
22 this Request for Writ and Writ of Execution, which is enclosed for issuance.
23

24 | 9. The total amount now due and owing by defendant to plaintiffs is as follows:

25	Principal Balance on Judgment	\$14,568.34
26	7% p/a interest (1/25/08-2/15/08)	\$58.67
27	Attorneys fees (11/22/07-2/15/08)	\$3,188.00
	TOTAL	\$17,815.01

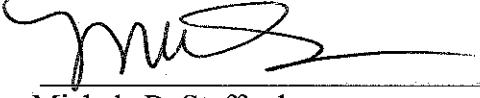
1 WHEREFORE, it is prayed that a Writ of Execution be promptly issued for \$17,815.01
2 plus 7% per annum interest on the principal balance of \$14,568.34 (\$2.79 per diem beginning
3 February 16, 2008) until satisfied, and that the Court retain jurisdiction over this matter.

4 10. To the best of my knowledge and belief, the defendant is not an infant or an
5 incompetent person, nor is defendant in the military service of the United States.
6

7 I declare under penalty of perjury that the foregoing is true of my own knowledge and if
8 called upon I could competently testify thereto.

9 Dated: February 20, 2008

SALTZMAN & JOHNSON
LAW CORPORATION



11 Michele R. Stafford
12 Attorneys for Plaintiffs

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15 ORDER

16 IT IS SO ORDERED.

17 Let a Writ of Execution be issued in favor of plaintiffs and against defendants for
18 \$17,815.01 plus 7% per annum interest on the principal balance of \$14,568.34 (\$2.79 per diem
19 beginning February 16, 2008) until satisfied. The Court shall retain jurisdiction over this matter.
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21 Dated: _____

22 UNITED STATES DISTRICT COURT JUDGE

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